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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,519	12/11/2001	Takahisa Suzuki	99999.1126	4981

57362 7590 06/19/2006

AKERMAN SENTERFITT
801 PENNSYLVANIA AVENUE N.W.
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WASHINGTON, DC 20004

EXAMINER

NI, SUHAN

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 06/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/009,519	Applicant(s) SUZUKI ET AL.	
	Examiner Suhan Ni	Art Unit 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-76 is/are pending in the application.
- 4a) Of the above claim(s) 1-6, 25-75 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-24 and 76 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/11/01, 1/23/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group **Art Unit 2615**.

Response to Election/Restriction

2. This communication is responsive to the provisional election made without traverse on 03/31/2006 to prosecute the invention of Group II, claims 7-24 and 76. Other groups, including claims 1-6 and 25-75 are withdrawn from further consideration, as being drawn to a non-elected invention. Furthermore, since claims 8-9, 11-12, 14-15 and 17-18 are depended upon non-elected claims, they are also withdrawn from further consideration, as being drawn to non-elected invention. A complete reply to a future final office action must include cancellation of non-elected claims or other appropriate action (37 CFR 1.144). See MPEP § 821.01.

Specification

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of **50 to 150 words**. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

4. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

5. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). **An abstract on a separate sheet is required.**

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) The invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

6. Claims 7, 10, 20-21 and 76 are rejected under 35 U.S.C. 102(e) as being anticipated by Kiyoshi (Japan Pat. 62-115,996).

Regarding claims 7, 20-21 and 76, Kiyoshi discloses a flat acoustic conversion device (Fig. 1) comprising: a first magnet (3) disposed so that a first magnetic pole face is substantially parallel to a predetermined surface; a second magnet (3) disposed adjacent to or in contact with the first magnet such that a second magnetic pole face having a polarity different from the polarity of the first magnetic pole face is substantially parallel to the predetermined surface and faces towards the same side as the first magnetic pole face of the first magnet; a vibrating

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member (1) provided with a coil placement portion and having a coil (21-26) which interlinks with magnetic flux from the first and second magnets disposed on the coil placement portion; a housing member (6) for housing the coil and the vibrating member together; and a pliable supporting member for enveloping the coil placement portion of the vibrating member together with the coil and thereby supporting the coil placement portion of the vibrating member together with the coil such that the coil placement portion of the vibrating member is capable of vibrating together with the coil without the coil placement portion of the vibrating member and the coil coming into contact with the inner surface of the housing member as claimed.

Regarding claim 10, Kiyoshi discloses the flat acoustic conversion device, wherein a plurality of rows of magnets (Fig. 1) with each row comprising alternating first and second magnets in a first direction are positioned such that the first and second magnets alternate in a second direction which intersects the first direction.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 13, 16, 19 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kiyoshi (Japan Pat. 62-115,996).

Regarding claims 13, 16 and 19, Kiyoshi does not clearly teach all the details about the magnets as claimed. Since providing magnets with desirable characteristics for a flat acoustic transducer is very well known in the art, it therefore would have been obvious to one skilled in

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the art at the time the invention was made to be motivated to provide suitable magnets, such as irregular shaped, for the transducer, in order to provide an acoustic transducer with desirable acoustic characteristics.

Regarding claims 22-24, Kiyoshi does not clearly teach all the details of wiring the coils as claimed. Since providing desirable wiring structures for connecting coils for a flat acoustic transducer is very well known in the art, it therefore would have been obvious to one skilled in the art at the time the invention was made to be motivated to provide suitable connections for the transducer, in order to provide an acoustic transducer with desirable acoustic characteristics.

Conclusion

8. The prior art filed with IDS on 12/11/2001 and 01/23/2006 made of record and not relied upon is considered pertinent to applicant's disclosure.

9. The prior art filed with IDS on 4/10/2006 has not made of record, since there is **no copy** of each listed foreign patent documents provided by the applicant (please see on **PAIR**). Please provide a copy of each listed foreign patent documents in next communication for consideration.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Suhan Ni** whose telephone number is **(571)-272-7505**, and the number for fax machine is **(571)-273-7505**. The examiner can normally be reached on Tuesday and Thursday from 10:00 am to 8:00 pm, and may be reached on Monday, Wednesday and Friday from 10:00 am to 8:00 pm. If it is necessary, the examiner's supervisor, **Sinh N. Tran**, can be reached at **(571)-272-7564**.


11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (**PAIR**) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

12. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (571)-272-2600, or please see <http://www.uspto.gov/web/info/2600>.

6/11/2006



SUHAN N
PRIMARY EXAMINER